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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,671	08/28/2003	Yuri Hiraiwa	ASAMURA PATENT OFFIE	5679
24956	7590	08/17/2005	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			KIM, HONG CHONG	
			ART UNIT	PAPER NUMBER
			2186	

DATE MAILED: 08/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/649,671

Applicant(s)

HIRAIWA ET AL.

Examiner

Hong C. Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/28/03 & 12/08/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

1. Claims 1-5 are presented for examination. This office action is in response to the application filed on 8/28/2003.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 8/28/2003 and 12/08/2004 is being considered by the examiner.

Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

4. Claim 2 is objected to because of the following informalities: In lines 5 and 9, it appears that "disk storage" should be changed to –disk subsystem—for consistency. Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claim 5 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A program without a computer readable

medium including software instructions which executing by a computer or processor has been held to be non-statutory subject matter. See MPEP 2106.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1-5 are rejected under 35 U.S.C. 102(a) as being anticipated by Kitamura et al. (Kitamura) US Patent Pub No. 2002/0091828.

As to claim 1, Kitamura discloses the invention as claimed. Kitamura discloses a disk subsystem (Fig. 1) comprising a disk storage (Fig. 1 Ref 21) accessible as logical volumes (block 39) from a computer through network (Fig. 1 Ref. 4), said disk storage including: CPU; and memory (Fig. 1 Ref. 223), wherein information owned said CPU reads volume management said disk storage form information representing a configuration of the logical volumes, and said memory holds the logical volume configuration information from said CPU (block 39).

As to claim 2, Kitamura discloses the invention as claimed. Kitamura discloses a computer system (fig. 1) comprising a computer (Fig. 1 Refs 1's and 3) and a disk subsystem (Fig. 1 Ref. 2) accessible as logical volume from said computer (block 39) through a network (Fig. 1 Ref. 4) , said computer system further comprising

management computer (Fig. 1 Ref. 3), and said disk storage including: a CPU (Fig. 1 Ref. 221); and a memory (Fig. 1 Ref. 223), wherein said CPU reads volume management information owned by said disk storage to form logical volume configuration information and said memory holds the logical volume configuration information (block 39), and wherein said management computer can access information extracted from the volume management information based on said logical volume configuration information (block 39).

As to claim 3, Kitamura discloses the invention as claimed. Kitamura discloses a storage managing method in a disk subsystem (Fig. 1 Ref. 2) including a disk storage (Fig. 1 Refs. 21s) accessible as logical volumes from a computer (Fig. 1 Refs. 1 and 3) through a network (Fig. 1 Ref. 4), comprising the steps of: reading volume management information held said disk storage (block 39); forming information representing a configuration of logical volumes from said management information (block 39); executing said reading step and said forming step the above order (block 39).

As to claim 4, Kitamura discloses the invention as claimed the above. Kitamura further discloses creating volume management information extracted data based on said logical volume configuration information (block 39) and transmitting the created data to a management computer connected to said network (block 40); and executing said creating step after execution said reading step and said forming step (blocks 39 and 40).

As to claim 5, Kitamura discloses the invention as claimed. Kitamura discloses a management program for managing volumes of a disk subsystem (Fig. 1 Ref. 2) having a disk storage (Fig. 1 Refs. 22's) accessible as logical volumes from a computer (Fig. 1 Refs. 1 and 3) through a network (Fig. 1 Ref. 4), said management program implementing: a function of reading volume management information held in said disk storage (block 39); function of forming logical volume configuration information from said management information; and function of extracting information from the volume management information based on said logical volume configuration information (block 39) and transmitting the extracted information to a management computer (Fig. 1 Ref. 3 and blocks 39-40) connected to said network.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892.
2. A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 USC 133, MPEP 710.02, 710.02(b)).
3. When responding to the office action, Applicant is advised to clearly point out the

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patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections. See 37 C.F.R. ' 1.111(c).

4. When responding to the office action, Applicants are advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Kim whose telephone number is (571) 272-4181. The examiner can normally be reached on M-F 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim can be reached on (571) 272-4182. Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 whose telephone number is (571) 272-2100.

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6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7. **Any response to this action should be mailed to:**

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

or faxed to TC-2100:
(571)-273-8300

Hand-delivered responses should be brought to the Customer Service Window (Randolph Building, 401 Dulany Street, Alexandria, VA 22314).


H Kim
Primary Patent Examiner
August 11, 2005